



Langsam Stevens Silver & Hollaender^{LLP}
ENVIRONMENTAL, REAL ESTATE, BUSINESS AND INSURANCE LAW

March 20, 2013

Via e-mail and regular mail

Joshua Barber
Eastern PA Remedial Branch
U.S. Environmental Protection Agency
1650 Arch Street (3HS22)
Philadelphia, PA 19103

Re: Lower Darby Creek Area Superfund Site
Operable Unit 1 – Clearview Landfill

Dear Mr. Barber:

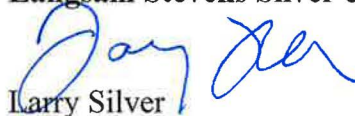
We represent the City of Philadelphia (City) with regard to the Lower Darby Creek Area Superfund Site (Site).

I am in receipt of a letter dated March 4, 2013, from Joan Armstrong of EPA Region 3 addressed to Mayor Michael A. Nutter notifying the City of “potential liability” with respect to the Clearview Landfill, Operable Unit 1 (OU-1) of the Site. The letter requests that any response to the notice letter be directed to you as the Site’s remedial project manager. This letter serves as the City’s response to the notice letter.

Without admitting any liability with regard to the Site, please be advised that the City intends to continue to cooperate with EPA and any steering committee of PRPs that may be formed with regard to the Clearview Landfill. It is important, however, that EPA be aware that the City has limited monetary resources to contribute to response actions at the Clearview Landfill. Any monetary contribution to response actions by the City would be at the expense of important social, economic and administrative services provided by the City to its residents and businesses. Should the City participate in any response actions, the City is examining opportunities for in-kind contributions consistent with EPA guidance, including the 1998 “Policy for Municipality and Municipal Solid Waste CERCLA Settlements at NPL Co-Disposal Sites.”

Also, please be advised that the City will review EPA’s forthcoming Proposed Remedial Action Plan for OU-1 and provide comments to EPA as appropriate.

Respectfully,
Langsam Stevens Silver & Hollaender LLP


Larry Silver

Larry Silver
Attorney at Law
Member PA, CA, DC Bars
lsilver@lssh-law.com

Philadelphia Office
1818 Market Street, Suite 3400
Philadelphia, PA 19103
T 215.732.3255 F 215.732.3260

New Jersey Office
250 West Main Street
Moorestown, NJ 08057-2365
T 856.727.0057 F 856.727.0315

www.lssh-law.com

cc: Bonnie Pugh, EPA Region 3, ORC
Patrick O'Neill
Scott J. Schwarz